

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ELVIS KELLEY,

Plaintiff,

v.

BILL BOWYER, et al.,

Defendants.

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No. 4:19-cv-01210-DDN

MEMORANDUM AND ORDER

This matter is before the Court on its own motion. On May 3, 2019, six prisoners at the Farmington Correctional Center, including plaintiff Elvis Kelley, jointly filed a pro se civil action pursuant to 42 U.S.C. § 1983. *Faircloth, et al. v. Bowyer, et al.*, No. 4:19-cv-1188-RLW (E.D. Mo.). Because the Court does not allow prisoners to join together and proceed in forma pauperis in a single lawsuit, the case was severed and a new case opened for each individual plaintiff, using the complaint filed in the originating action.

On July 16, 2019, the Court entered an order granting plaintiff leave to proceed in forma pauperis. (Docket No. 6). The Court further ordered plaintiff to file an amended complaint within thirty days. Plaintiff was given instructions on filing his amended complaint. He was also advised that a failure to file an amended complaint would result in the dismissal of this action without prejudice and without further notice.

More than thirty days have elapsed since the Court's order, and plaintiff has not filed a response, nor sought any additional time in which to comply. The Court will therefore dismiss this action without prejudice due to plaintiff's failure to comply with the Court's July 16, 2019 order, and for the failure to prosecute his case. *See* Fed. R. Civ. P. 41(b). *See also Link v. Wabash R.R.*

Co., 370 U.S. 626, 630-31 (1962) (stating that the authority of a court to sua sponte dismiss for lack of prosecution is an inherent power governed “by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases”); and *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that a district court has the power to dismiss an action based on a plaintiff’s failure to comply with a court order).

Accordingly,

IT IS HEREBY ORDERED that this case is **DISMISSED** without prejudice. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 29th day of August, 2019.

/s/ Jean C. Hamilton
JEAN C. HAMILTON
UNITED STATES DISTRICT JUDGE